

EXHIBIT 1

Plaintiff's Deposition Transcript

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 TEOKA S. WILLIAMS,

5 Plaintiff,

6 -vs-

7 BEAUMONT HEALTH,

8 Defendant.

Case No.: 2:18-CV-12522-VAR-MKM

Hon. Victoria A. Roberts

9 DEPOSITION OF TEOKA S. WILLIAMS

10 Taken by the Defendant, on the 18th day of February, 2019,
11 at 150 West Jefferson, Suite 100, Detroit, Michigan, at
12 10:20 a.m.
13

14 APPEARANCES:

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23 REPORTED BY: MS. CATHERINE M. COLLIER, CSR-1491
24 Certified Shorthand Reporter
25

1 me.

2 This is -- it was documented at a later
3 time. However, approximately, like, 12:06 or 12:06
4 is when assessment was done for this patient.

5 Q. So do you type in the -- do you have an opportunity
6 when you're putting in information for a Progress
7 Note to put in the time of the interaction?

8 A. Sure.

9 Q. Okay. So this 12:06 a.m. is the time that you put
10 in that you interacted with that patient?

11 A. Correct.

12 Q. And so the creation time, I'm assuming, is a
13 computer-generated time that says basically when you
14 started that particular Progress Note?

15 A. Correct.

16 Q. And then I'm assuming, then, you have to, like, hit
17 a button or something to finalize it, and that's
18 what this filed time is?

19 A. Correct.

20 Q. So your first patient interaction at 12:06 a.m. you
21 documented at 4:56 a.m.; is that correct?

22 A. Correct.

23 Q. Okay. Do you know why it took you almost five hours
24 to document that interaction, the 12:06 a.m.
25 interaction?

1 A. As I said before, I had approximately six or seven
2 patients, and there is no required time to document
3 anything. It's just important that things are
4 entered or information is entered into your Progress
5 Note that you can remember at that time or you find
6 significant. That's why they have a rule that says
7 chart by exception.

8 Q. Okay. And the information that you wrote in your
9 Progress Note, I think as you testified before, this
10 is an accurate account of what happened with that
11 patient at 12:06 a.m.?

12 A. Correct.

13 Q. Is that the first time that you had seen the patient
14 that night at 12:06 a.m.?

15 A. Approximately, yes.

16 Q. Do you remember having any interaction with the
17 patient before 12:06 a.m.?

18 A. I had made it to work at 7:30. So initially I had
19 to give report. So that takes time. So I'm sure
20 that was about the right time.

21 Q. You said you initially made it to work at 7:30. You
22 mean 11:30?

23 A. I mean 11:30. 11:30, yes.

24 Q. Okay. So you don't have any specific recollection
25 of seeing the patient before 12:06 a.m.?

1 A. No.

2 Q. Had you ever been responsible for the care of that
3 patient before?

4 A. I'm not -- I don't know what you're asking me
5 exactly.

6 Q. Was that the first time you had ever seen that
7 patient was at 12:06 a.m. on the 2nd of November?

8 A. I don't remember if maybe when we did nurse report
9 if I was able to see the patient from the hallway.
10 So I'm not really sure what you're asking me.

11 Q. Had you ever cared for that patient before November
12 2nd, 2017?

13 A. I'm not sure. I don't remember every single patient
14 that I've ever taken care of in 11 years.

15 Q. Okay. When the patient saw you that first time at
16 12:06 a.m., did she sound like she recognized --
17 when you said she "asked, why are you going to be my
18 nurse," did she say it in a way that led you to
19 believe she recognized you from something?

20 A. No.

21 Q. Okay. So what you've told me is the 12:06 a.m.
22 that's the time of the interaction.

23 I'm going to go to your next Progress Note,
24 then, that's dated -- that you have at 4:48 a.m.;
25 okay? And it looks like you put that Progress Note

1 But you did attribute a quote to her. You
2 said, in quotes, "I want a different nurse" is the
3 quote that you attributed to that patient; okay?
4 And you agree with me, "I want a different nurse,"
5 that doesn't say anything about your race, does it?

6 A. Again, when we --

7 Q. It's a yes or no question. "I want a different
8 nurse." That's got quotes around it. Is that what
9 the patient said, "I want a different nurse"?

10 A. She said several things that night.

11 Q. Okay. Why is the only thing that you put in -- and
12 I'm just talking about the 4:48 a.m. interaction.
13 You attributed a quote to this patient that says, "I
14 want a different nurse," quote, unquote.

15 A. Again --

16 Q. Did she say that to you? Yes or no?

17 A. The patient said several things that night.

18 Q. That wasn't my question.

19 A. She was overheard saying several things.

20 Q. Yes or no? Did the patient say, "I want a different
21 nurse"? Did you hear the patient say that to you?

22 A. She said, "I want a different nurse" is what the
23 patient said. "I want a different nurse."

24 And the patient was also overheard stating
25 that she did not care for black nurses and "They had

1 the audacity to give me a black nurse." And she was
2 on the telephone. She was overheard saying that on
3 the telephone. She never spoke that directly to me.

4 Q. Oh. So she never said anything to you about your
5 race being an issue why she didn't want you to be
6 her nurse.

7 A. She was overheard --

8 Q. That wasn't my question.

9 A. -- saying it on the telephone.

10 Q. Would you please listen to my question?

11 A. I'm listening to your question.

12 Q. Did she ever say anything to you directly about your
13 race being a reason she didn't want you to care for
14 her?

15 A. I was right outside of her door.

16 Q. That wasn't my question.

17 Did she ever say --

18 A. Yes.

19 Q. -- to you --

20 A. Yes.

21 Q. Okay. What did she say directly to you, as she's
22 having a conversation with you, about her not
23 wanting you to be her nurse because of your race?

24 A. She was overheard saying on the telephone, "I do not
25 want a black nurse. They had the audacity to assign

1 I'm going to be positioned.

2 Q. How do you know that at that time that she was on
3 the phone she was looking out that door to see where
4 you were?

5 A. The curtains were drawn back. And when I turned
6 around and looked, she could see me.

7 Q. Okay. So but -- okay. Let's get back to this
8 initial question now that you said you understood
9 the difference. Well, I'll ask it this way: The
10 conversation that you overheard her having on the
11 phone with somebody -- and you don't know who she
12 was talking to; correct?

13 A. Correct.

14 Q. Is that the only time you heard that patient mention
15 your race?

16 A. No.

17 Q. Tell me the other time you heard the patient mention
18 your race.

19 A. When Crystal came to speak with her --

20 Q. Yes.

21 A. -- she told Crystal that she did not want me because
22 of my race.

23 Q. And how do you know that? Were you there?

24 A. I was outside the door, positioned outside the door,
25 in a chair with my computer.

1 Q. So that was not -- so if you're saying you overheard
2 the patient say it was because of your race, why are
3 you saying -- so you're saying here, "per charge
4 nurse, patient did not give a reason."

5 Did you ask Crystal what the patient said?

6 A. No, I didn't have to ask Crystal. I was outside the
7 door.

8 Q. Right.

9 So you put -- so when you say, "patient did
10 not give a reason why she no longer wanted assigned
11 nurse to continue caring for her," that's not true,
12 is it?

13 A. I'm sorry?

14 Q. You wrote in here, "patient did not give a reason
15 why she no longer wanted assigned nurse to continue
16 caring for her."

17 A. She did not give a legitimate reason. My race is
18 not a reason to me. Me being a qualified nurse and
19 being African-American, being black, is not a
20 legitimate reason. So that's what I meant and
21 that's why I wanted to clarify that with you.
22 That's not why we make patient assignments or
23 reassignments.

24 Q. Okay. So you're saying you should have put the word
25 "Legitimate" reason in there. Is that what you're

1 that room.

2 A. No. I think you're misunderstanding me.

3 There was no need to ask Crystal what the
4 patient said. I was outside the room.

5 What I did was I asked Crystal -- because I
6 wanted Crystal to be forthcoming. When Crystal went
7 in the room and talked to the patient, Crystal told
8 the patient she would not have to see me again.

9 Crystal also says, "We're going to just let
10 Olivia go in the room."

11 I said, "You sure you don't want to have,
12 like, Cynthia to go in the room and help out?"

13 Cynthia is another black nurse who was
14 working the floor who was out of staffing. She had
15 no patients.

16 Why give Olivia more responsibility when
17 she's already maxed out with how many patients that
18 she could take.

19 So Crystal attempted to give me the
20 runaround.

21 I said, "Crystal, I heard everything that
22 was said. The patient never gave a reason, a
23 legitimate reason, why she did not want me as her
24 nurse, other than race. She told you she did not
25 want a black nurse. 'I don't want that black lady'

1 is what she said. 'I don't want her. I want a
2 different nurse. I don't want a black nurse.'"

3 Crystal came out and told me if either
4 patient were to ring their call light for the
5 duration of the shift, she wants me to let Olivia to
6 go in the room instead of me.

7 Q. Okay. But yet all you put in your Progress Note at
8 4:48 a.m. was, "Per charge nurse, patient did not
9 give a reason why she no longer wanted assigned
10 nurse to continue caring for her."

11 A. Again, that means legitimate reason. My race is not
12 a reason.

13 Q. Okay.

14 A. I didn't go to nursing school and do everything that
15 was necessary for me to succeed, just like any other
16 similar-situated nurse, to be treated and
17 disrespected the way I was.

18 Q. So you overheard --

19 A. So that's what I meant.

20 Q. Okay. So you overheard the patient say to Crystal
21 "I don't want a black nurse"?

22 A. That's correct.

23 Q. Okay. And you said somebody else was present who
24 overheard that. Who was that?

25 A. Her name is Shakina.

1 Q. What's her last name?

2 A. I don't know her last name by heart.

3 Q. And how do you know she overheard what was said?

4 A. She was outside the door with me.

5 Q. What time was your shift over that night?

6 A. I didn't leave until approximately 8:30 in the
7 morning.

8 Q. What time was your shift supposed to end?

9 A. Eight o'clock.

10 Q. So you worked 11 -- you would have worked 11:30 to 8
11 was your shift?

12 A. The shift I was supposed to work is 11:30 p.m. to 8
13 o'clock a.m., but that morning there was a late
14 report that I gave to Christine, who was the person
15 here that took over after me. As you can see, her
16 note is 9:52. So she was the oncoming nurse that I
17 still was responsible for giving report to despite
18 the fact of being barred from the room for several
19 hours.

20 Q. Do you know if Olivia ever went in the room after
21 the time that you say this happened at 4:48 a.m.?

22 A. Several times.

23 Q. Okay. But she didn't put any Progress Notes in. Do
24 you know whether she -- I mean, are there any
25 Progress Notes that she put in that you see are no

1 that's something that's totally not my business.

2 Q. Okay. So the answer to the question is, no, you
3 don't know what Olivia's practice is about Progress
4 Notes?

5 A. As a nurse, I'm responsible for what I document. I
6 don't know what any other nurse does.

7 Q. Do you know what time you did the pass-off of this
8 patient to Christine?

9 A. Approximately 8:30 in the morning.

10 Q. Was Olivia present for that pass-off?

11 A. No. She didn't need to be.

12 Q. Why?

13 A. Because she wasn't giving report on the patient.
14 She knew nothing about the patients.

15 Olivia was basically used as the face to
16 enter the room because I was not allowed to go in
17 the room. So she had no information to pass off.

18 Q. How do you know?

19 A. Because I didn't give her report.

20 Q. Okay. Well, how do you know that Olivia didn't have
21 her own information to pass off?

22 A. I'm sorry? I'm confused here what you're asking me.

23 Q. You say as of 4:48 a.m. you were told never to go in
24 that room again, and you did the pass-off to
25 Christine at 9:52 a.m., which is about five hours

1 later; okay?

2 So how do you know Olivia didn't have any
3 information to pass off to Christine about what
4 happened during that five-hour period?

5 A. I gave report to Christine.

6 Q. I get that.

7 How do you know that there was no
8 information that Olivia had to pass off about what
9 happened during that five-hour period that she was
10 caring for the patient?

11 A. Because proper pass-off is considered transfer,
12 proper transfer. And the only way that you can give
13 a proper transfer is a nurse-to-nurse report. I
14 never gave Olivia a report on that patient. And
15 even if Olivia was to look up in the computer and
16 get information, she still would not have the full
17 picture as to what happened with the patient while
18 in my care. So, therefore, it would not have been a
19 legitimate transfer, if you will, because it was not
20 a transfer.

21 Q. Do you know if Christine and Olivia ever spoke about
22 that patient?

23 A. I don't know at all. No, I don't. I don't know why
24 they would need to speak about the patient.

25 Q. Well, Olivia cared for that patient, according to

1 you, for five hours; correct?

2 A. I gave Christine report. So usually when a nurse
3 who has all the information gives report to a nurse,
4 there's not usually a nurse that comes -- a
5 secondary nurse or a nurse who was thrown in the mix
6 who really didn't get a proper report to go back and
7 give information to that oncoming nurse. That's not
8 typical practice.

9 Q. Did you ever ask Olivia whether anything happened
10 with that patient during that five hours?

11 A. Olivia came and reported various things to me since
12 I wasn't able to go back into the room. Like, she
13 came and told me the patient needed water. I had to
14 go and get water for both patients in the room.

15 Because, again, Olivia had a full set of
16 her own. She was just told to go in so the patient
17 would be appeased for not having me in the room.

18 So I had to go and get water for the
19 patient. I was told that there was a pair of socks
20 needed for the patient. I was told that I had to go
21 and get a heating pack.

22 And the reason why the nursing assistants
23 were not doing those things because they were so
24 busy that night. It was a very busy night.

25 Q. So when you got, let's say, the heating pad, who did

1 MS. GAFKAY: Patient.

2 BY MS. DAHLE:

3 Q. Or to care for the patient?

4 MS. DAHLE: Thank you.

5 THE DEPONENT: I don't recall saying that
6 to Christine. I'm not sure if I did or I'm not sure
7 if I didn't.

8 BY MS. DAHLE:

9 Q. Okay. Do you remember telling Christine that Olivia
10 had been in charge for caring for that patient?

11 A. I don't recall.

12 Q. Okay. So the next entry you have, it's a 5:02 a.m.
13 entry, the same 5:02 a.m. creation date, and you
14 write, "RN now removed from caring for patient by
15 assistant manager. Advised not to enter room
16 anymore." And you entered that note on or about the
17 same time, around 5:02 a.m.

18 Do you see that?

19 A. I do.

20 Q. Okay. Is the assistant manager the same person as
21 the charge nurse you reference in the 4:48 a.m.
22 note?

23 A. Correct.

24 Q. Okay. And you didn't put anything in this progress
25 report about it being based on your race, did you?

1 A. I had already addressed that.

2 Q. No, you haven't. This is the first time I'm asking
3 about this.

4 You didn't put anything in this Progress
5 Note about your race being a reason why you weren't
6 allowed to enter the room anymore; correct?

7 A. I did enter it into a Progress Note.

8 Q. Yeah.

9 But not this one; right? Not the third
10 one; correct?

11 A. No.

12 Q. Okay. And, in fact, now at 5:10 a.m. -- well, at
13 5:35 a.m., your last Progress Note, which you
14 created at 5:35 a.m. and you reference a 5:10 a.m.
15 interaction with the patient, "Patient can be heard
16 from the hallway," quote, "'I do not want that black
17 bitch taking care of me,'" end quote.

18 What are you referencing there? When did
19 the patient say that, "I do not want that black
20 bitch taking care of me"?

21 A. Prior to Crystal going to go see the patient and
22 speak to the patient.

23 Q. Okay. So that references what you overheard on the
24 telephone?

25 A. Correct.

1 Notes?

2 A. Not all at the same time.

3 Q. Okay. But you can pull them up if you want to look
4 at a prior one?

5 A. Sure.

6 Q. Okay. All right. So you attribute this statement
7 to the patient occurring about 22 minutes,
8 approximately -- 20, 22 minutes -- after Crystal has
9 already gone in that room.

10 Agree with me?

11 A. Can you restate that question?

12 Q. You attribute the patient's statement -- "I do not
13 want that black bitch taking care of me," you
14 attribute that statement to the patient about 20
15 minutes after Crystal has already gone into that
16 room.

17 A. Actually, that was an oversight, because that
18 happened before Crystal went into the room.

19 Q. Okay. So why did you not put it in?

20 A. It was an oversight, obviously.

21 Q. So an oversight.

22 You consider that, I'm assuming, the most
23 critical thing that happened that evening; right?
24 The most significant thing that happened that
25 evening was that patient saying that to you;

1 that you think Beaumont did not allow you to care
2 for this patient any longer because the patient
3 said, "I do not want that black bitch taking care of
4 me"? Am I correct in that's basically what you're
5 suing Beaumont for?

6 A. Because she actually said several things related to
7 race that was not documented here.

8 Q. Oh, okay.

9 What else did she say besides, "I do not
10 want that black bitch taking care of me"?

11 A. "I don't want that black lady in my room."

12 Q. When did she say that?

13 A. While Crystal -- I'm sorry. I think I did say that
14 already.

15 Q. Well, let's say it again.

16 A. When Crystal went in the room to speak with her.

17 "I do not want that black lady."

18 Q. Okay.

19 A. "I don't want a black nurse."

20 Q. She said, "I don't want a black nurse" or "I don't
21 want" --

22 A. "I don't want that black lady. I don't want a black
23 nurse."

24 Q. Okay.

25 A. "So if you can change my nurse, I would appreciate

1 it."

2 And then Crystal told her that, "You don't
3 have to worry about seeing her. I'll go ahead and
4 keep her out."

5 Q. Okay. So "I don't want that black lady taking care
6 of me" is one thing she said; correct?

7 A. Correct.

8 Q. And "I don't want a black nurse."

9 A. Correct.

10 Q. She didn't say, "I don't want that black nurse"?

11 A. She said both.

12 Q. Well, did she say it three times or did she say it
13 only two times?

14 A. She said to Crystal, "I don't want that black lady."

15 Q. Right.

16 A. And "I don't want a black nurse."

17 Q. Okay. And did she ever say, "I don't want that
18 black nurse"?

19 A. She said, "I don't want that black nurse. I don't
20 want a black nurse. I don't want her in my room."

21 And Crystal reassured her that she will
22 take me off -- out of her room. She'll have Olivia
23 to come in and I don't have to worry about seeing
24 her.

25 Q. Okay.

1 "I do not want that black bitch taking care of me,"
2 you didn't also put in what she said to Crystal?

3 A. I'm not sure if you can understand how I may have
4 been feeling that night, but I was very upset. And
5 the way that I was treated, the way the situation
6 was handled, I believe that says a lot as to why
7 certain things did not happen. But I did my best to
8 enter the information into Progress Notes that I
9 felt was most significant and that I can remember at
10 that time, and that's what I did.

11 Q. Okay. How soon after you were advised not to enter
12 the room anymore did you enter that 5:02 a.m.
13 Progress Note?

14 A. Can you please ask that question again?

15 Q. Yeah.

16 You have a 5:02 a.m. Progress Note where
17 you say that you're removed from caring for the
18 patient by the assistant manager and that you were
19 advised not to enter the room anymore.

20 How soon after Crystal told you not to
21 enter the room did you put in this Progress Note?

22 A. I don't remember.

23 Again, my documentation and the times that
24 my documentation were entered I will attribute it to
25 I was extremely upset, extremely. The whole

1 first says, "I don't want her to be my nurse. I
2 don't want that black person taking care of me" or
3 "Black bitch," whatever she said.

4 Do you see that?

5 A. This patient made this comment after -- or I'm
6 sorry. Before Crystal gave her a medication. So
7 that's what -- which was maybe 4:50 or something
8 like that just before I was told not to go in the
9 room. Just before I was told not to go in the room,
10 she made this comment. She wanted to see Crystal
11 and Crystal came. I had Crystal come and speak with
12 her.

13 I told Crystal, before she went to see the
14 patient, what was going on, what was said. I told
15 Crystal I was fine with keeping her. If she could
16 just come and talk to the patient to tell her about
17 her behavior and how it's inappropriate. And that's
18 what happened.

19 Q. Okay.

20 A. That happened before Crystal came.

21 So, again, the sequence of times that were
22 entered are not necessarily as they happened. They
23 were documented at various times.

24 Q. Okay. Did you interact with the patient at all that
25 you can remember between 12:06 a.m. and 4:48 a.m. or

1 around -- or before Crystal came to talk to her?

2 A. I passed medication on the patient.

3 Q. Okay.

4 A. And I went in to do hourly rounding while I was
5 allowed in the room.

6 Q. Okay. And at any time during those interactions,
7 did the patient say she didn't want you taking care
8 of her?

9 A. She told me she don't want me touching her. When
10 she went and got up and went to the bathroom, she
11 didn't want me touching her.

12 Q. Right.

13 But that was the situation that you have
14 documented at 4:48; correct?

15 A. Correct.

16 Q. Between 12:06 a.m. and 4:48 a.m., did that patient
17 ever tell you she didn't want you taking care of
18 her?

19 A. The patient knew that I was sitting right outside
20 the room, and she was on the phone very loud, and it
21 was very deliberate in my opinion.

22 Q. That's not my question.

23 A. So, yes, she did tell me.

24 Q. When you overheard her on the phone?

25 A. Correct.

1 and she was -- her foot got caught up in some sheets
2 on her -- her sheets on her bed. So I removed the
3 sheet so she wouldn't fall, because her balance was
4 a little unsteady. So I just gently grabbed her arm
5 to support her so she wouldn't fall.

6 And she said, "Look, don't touch me."

7 And she even made a point of saying, "She
8 can touch me, but you can't."

9 Catherine, who's a nursing assistant, she
10 let Catherine assist her to the bathroom.

11 Q. Okay. And then it was immediately after that that
12 she told you that she wanted to go see the charge
13 nurse?

14 A. I don't know what exact time -- yes. That's
15 correct. After the bathroom, that's when she wanted
16 to see Crystal.

17 Q. Okay. So tell me, when you went to go get Crystal
18 to tell her what happened, what did you say to
19 Crystal?

20 A. I told Crystal that the patient was on the phone. I
21 was sitting in the hallway. I said, "I know the
22 patient saw me. I know the patient could hear me."

23 And that the patient was talking to someone
24 on the phone and said, "They had the nerve to give
25 me a black nurse. I don't want black -- you know

1 how I am. I don't want black nurses. I don't even
2 like black nurses." And she was like, "I don't want
3 her. I don't want no black bitch taking care of
4 me."

5 And that's what she said over the phone.

6 Q. Did you know that that patient had had other black
7 nurses care for her while she was there?

8 A. There was an African male nurse who I got report
9 from. So yes.

10 Q. And do you know whether that patient complained
11 about him taking care of her?

12 A. No.

13 Q. Did he tell you he had any issues with that patient
14 making a complaint about his race, that black nurse
15 -- the black male nurse that passed the patient off
16 to you?

17 A. I was told that she was extremely rude to him.

18 Q. Did he specifically mention his race as being an
19 issue to that patient?

20 A. No.

21 Q. So you told Crystal that the patient was on the
22 phone saying that.

23 What else did you tell Crystal?

24 A. To come and please speak with the patient and let
25 the patient know that her behavior is unacceptable.

1 And Crystal asked me was I fine with still
2 taking care of her, and I told her yes.

3 Q. Okay. Did the patient ever ask you to go get
4 Crystal or did you just go get Crystal on your own?

5 A. She asked to see Crystal.

6 Q. Okay. All right. So when Crystal went in the room,
7 did anybody go in with her into the patient's room?

8 A. No. Crystal was talking to the patient by herself.

9 And I was outside the room with my computer
10 and my chair and with Shakina.

11 Q. And was the door open or closed?

12 A. It was open.

13 Q. How far from the door to the room was your computer
14 situated?

15 A. Approximately 6 feet.

16 Q. And then how far from the door is the patient's bed?

17 A. I'm sorry. Can you -- you said how far from my
18 chair to the patient's bed?

19 Q. No.

20 How far from the door to the patient -- how
21 far from the door to the patient room is it -- how
22 far is it from the door to the patient's room to
23 where your computer was?

24 A. Approximately 6 feet. 6 to 7 feet.

25 Q. And that's where you were sitting when Crystal was

1 A. Correct.

2 With the curtains open.

3 Q. Okay.

4 A. Yes.

5 Q. And then the patient that you didn't have an issue
6 with was the patient closest to the door?

7 A. Correct.

8 Q. Got it.

9 Other than Shakina, was anybody else
10 present when the patient said this to Crystal about
11 "I don't want the black bitch" -- or "I don't want a
12 black nurse. I don't want that black nurse"?

13 A. No.

14 Q. What about when the patient was on the telephone,
15 was anybody else present?

16 A. No.

17 Q. Was the patient talking on the phone after Crystal
18 left?

19 A. I'm sorry?

20 Q. Did you overhear the patient on the phone after
21 Crystal left the room?

22 A. Before Crystal came to the room to speak with her --

23 Q. Okay.

24 A. -- she had already made the comment.

25 Q. Okay. So when the patient requested to see Crystal,

1 what did you do? I mean, like, where did you go
2 after the patient requested that she see Crystal?

3 A. I went to go and get Crystal.

4 Q. Okay.

5 A. I had a conversation with Crystal first.

6 Q. Okay.

7 A. So it was probably about 10 minutes or so and she
8 went in the room because we were talking.

9 Q. Okay. Did you walk back with Crystal?

10 A. Yeah, I did.

11 Q. And Crystal immediately went in the room?

12 A. She did.

13 Q. Okay. So how could you hear the patient on the
14 phone if you were with Crystal the entire time?

15 A. She made the comment before Crystal came into the
16 room.

17 Q. But you weren't there. That's what I don't
18 understand. If you left the room immediately, went
19 and got Crystal, you walked back with Crystal. You
20 were never there to overhear her phone conversation.

21 A. The patient had a phone conversation before Crystal
22 came in to speak with her.

23 Q. Okay.

24 A. So she went to the bathroom. She got on the phone.
25 She wanted -- she didn't want me to touch her.

1 Q. Right.

2 A. Okay. She got on the phone. She asked to speak to
3 Crystal. Got Crystal. Crystal came back to the
4 patient.

5 Q. Right.

6 So here's my question now --

7 A. Sure.

8 Q. You said that -- okay. Was the patient on the phone
9 before -- okay. Was the patient on the -- did you
10 overhear the patient on the phone before she asked
11 you to get Crystal?

12 A. Yes.

13 Q. You did. Okay.

14 A. Yes.

15 The patient was also on the phone after
16 that. She was so livid.

17 Q. Okay. My question to you is, how many times -- how
18 many phone calls was she -- did the patient have
19 where she complained about having a black nurse?

20 A. I heard at least a couple. She was on the phone.

21 The initial conversation I went and got
22 Crystal. She requested to see Crystal. I went and
23 got Crystal.

24 After everything was over with, she was on
25 the phone again later on and she made comments.

1 Q. So let's talk about this first one; okay? So when
2 you referenced earlier overhearing the patient say,
3 "I don't want that black bitch taking care of me,"
4 is that the first conversation that you're
5 referencing?

6 A. Correct.

7 Q. Okay. And in relation to Crystal coming into the
8 room, when did the patient have that phone
9 conversation that you overheard?

10 A. She had that conversation before Crystal came into
11 the room.

12 Q. Before Crystal.

13 When did she have that conversation in
14 relation to that incident where she tripped or
15 almost fell and you grabbed her?

16 I know you didn't grab her, but helped her.

17 A. I'm sorry. Rephrase that.

18 Q. When did she have that conversation in relation to
19 that incident where she almost tripped or her foot
20 was all tangled up in the sheets?

21 A. That was after the bathroom.

22 Q. After the bathroom.

23 A. She came and spoke with Crystal.

24 Is that what you're asking?

25 Q. No. No. No.

1 the bathroom -- yes.

2 Q. Okay. When did you first overhear her on the
3 telephone complaining about your race?

4 A. I don't know the exact time, but it was before
5 Crystal came to speak with her. Crystal already had
6 that information.

7 Q. I understand that.

8 Was it -- and it was before you went in the
9 room to help her go to the bathroom?

10 A. Correct.

11 Q. Okay. How soon before you went in the room to help
12 her go to the bathroom did you overhear her saying
13 she didn't want a black nurse taking care of her?

14 A. I don't remember. I don't recall. I don't remember
15 the exact -- I don't remember.

16 Q. Okay. Why didn't you go get Crystal when you first
17 overheard her saying that she didn't want a black
18 nurse taking care of her?

19 A. I just want to look at my notes again.

20 Q. Sure.

21 A. Because I'm trying to see. Because I think it may
22 have happened right after the bathroom.

23 Yes. It happened -- it happened, I
24 believe, before this. Because she was on the phone
25 twice. So I believe it happened before the

1 bathroom. Was it before the bathroom? Yes, before
2 the bathroom.

3 Q. Okay. So you heard -- you just said she was on the
4 phone twice. So you heard two telephone
5 conversations that she had about her complaining
6 about you as a nurse being black?

7 A. Uh-huh.

8 Q. Is that a yes?

9 A. That's correct.

10 Q. Okay. Was the first one -- the first phone
11 conversation I think you testified was before you
12 went into the room to help her go to the bathroom?

13 A. It was when she asked to speak to a nurse. So where
14 is she asking -- let me see.

15 She requested to speak to a nurse. It was
16 after here. I'm sorry. Yes, it was here, after she
17 went to the restroom.

18 Q. Okay. So after she went to the restroom and after
19 she asked to speak to Crystal --

20 A. Correct.

21 Q. -- you overheard her on the phone --

22 A. Uh-huh.

23 Q. -- telling someone she didn't want a black nurse
24 taking care of her?

25 A. Correct.

1 Q. Okay. And you're standing -- and you overhear this
2 conversation on the phone.

3 Is anybody else there overhearing the
4 conversation on the phone?

5 A. Shakina.

6 Q. Okay. So Shakina is standing there with you and she
7 can also hear?

8 A. Shakina is outside the door.

9 Q. Okay.

10 A. We were not inside the room.

11 Q. Yeah, I understand.

12 So Shakina is there outside the door with
13 you and you can both overhear this phone
14 conversation?

15 A. Correct.

16 Q. She hangs up the phone and then calls -- yells
17 outside to you, "Go get the charge nurse."

18 A. Correct.

19 Q. That's when you go get Crystal and you guys come
20 back and Crystal goes in.

21 A. Correct.

22 Q. Okay. So do you tell Crystal about the phone call?

23 A. Sure.

24 Q. Okay. Crystal goes back. And what is it that
25 Crystal says to that patient when she goes back in

1 the room? What does she ask her?

2 A. She asked her, "Can I help you?"

3 She says, "Yes. I don't want that black
4 lady. I don't even want a black nurse."

5 Q. Okay.

6 A. She says, "Is there something wrong? Did something
7 happen?"

8 She said, "No."

9 She says, "Is she taking good care of you?
10 Do you have an issue with her?"

11 She says, "I just don't want a black
12 nurse."

13 So she reassured her, "Okay. Well, I'll
14 get Olivia to help you and don't worry. You won't
15 -- she won't be back in the room again."

16 Q. Did the patient tell Crystal about when her foot was
17 caught up and you had to support her to help -- so
18 she wouldn't fall?

19 A. She didn't mention anything else.

20 And that's why I put in writing that there
21 was not a reason, meaning there was not a legitimate
22 reason.

23 Q. Okay. So in this 4:48 a.m. Progress Note, between
24 the sentence where you say you "quickly grabbed
25 patient by her left arm to prevent the patient from

1 Crystal, are you aware of any other -- hearing any
2 other time that the patient made a comment about
3 your race?

4 A. After she was -- I was already barred from the room,
5 she continued to make comments on the phone.

6 Q. Well, I thought you said there was just one phone
7 call.

8 A. One phone call after the initial phone call, but I
9 was no longer taking care of her.

10 Q. Right.

11 So after -- other than those two phone
12 calls --

13 A. Okay.

14 Q. -- and what she said to Crystal, did you hear that
15 patient say anything more about your race?

16 A. No.

17 Q. Okay. When you challenged Crystal about changing
18 the assignment because of your race, what did
19 Crystal say to you?

20 A. She thinks it would just be best.

21 Q. Okay. Did she say why?

22 A. She probably will be more comfortable with Olivia is
23 what she stated.

24 Q. Did she say anything about not wanting to have you
25 be subjected to that lady?

1 Q. Before you filed your EEOC charge?

2 A. Probably after that.

3 Q. Okay. Nobody ever told you that you were required
4 to maintain all your documentation about your charge
5 of discrimination?

6 A. That was before I filed my lawsuit. So after the
7 EEOC, before my lawsuit.

8 Q. Right.

9 Nobody at the EEOC told you that you were
10 required to maintain all of the information --

11 A. No.

12 Q. -- you had?

13 A. No.

14 Q. When did you first retain a lawyer?

15 A. I'm not sure the exact date.

16 Q. Before or after you filed the EEOC charge?

17 A. After.

18 Q. After.

19 How long after?

20 A. It was a while. I waited -- I got a right to sue
21 letter and then I filed.

22 Q. Okay. Did you destroy your documentation after you
23 retained your lawyer?

24 A. Before.

25 Q. Before.

1 A. That was the bathroom situation.

2 Q. Okay. And it says as you left, you heard the
3 patient say that she did not want a black bitch
4 taking care of her.

5 What was it that you were overhearing?

6 A. That was after I left the room, and she asked to
7 speak with Crystal, and I went in the hallway
8 momentarily. And she ended up getting on the
9 telephone and that's when she made the comment.

10 Q. So it was when you were out in the hallway but on
11 your way to get Crystal?

12 A. Correct.

13 Q. Were you in a position to see -- I don't know, like,
14 how the nurse buzzers work, but were you in a
15 position to see when the patients in 881, like, were
16 calling for a nurse?

17 A. Where I was situated, yes.

18 Q. You could.

19 Okay. So as far as the patient in 881-2 is
20 concerned, do you know how many times she called for
21 a nurse that night after you were told not to go in
22 there?

23 A. She called for pain meds. And she also called for,
24 you know, the restroom -- assistance with the
25 restroom that I can remember.

1 A. I did.

2 Q. Okay. Who else did you tell besides Shakina, Leah,
3 and Sharise?

4 A. I can't think of every person I went to. I just
5 think it was more of common knowledge.

6 Q. Did you hear Crystal tell anyone that the reason you
7 couldn't go care for that patient was because you
8 were black?

9 A. I heard -- no.

10 Q. Did you hear Crystal say anything at all about your
11 race being a reason why you couldn't care for that
12 patient?

13 A. I heard Crystal having a conversation with the
14 patient and the patient communicating that she did
15 not want that black lady. "I don't want a black
16 nurse."

17 Q. Okay.

18 A. And her pretty much obliging what her request was.

19 Q. But my question to you was, did you hear Crystal
20 tell anyone that your race was a reason why you
21 could no longer care for that patient?

22 A. Yes.

23 Q. Who did she tell? Who did you hear Crystal saying
24 that your race was the reason you couldn't care for
25 that patient?

1 Q. And had she been in the patient's room that night at
2 all, do you know?

3 A. No.

4 Q. Do you know if the patient had seen Cynthia at all
5 that night?

6 A. No, not to my knowledge.

7 Q. Who else?

8 A. Leah.

9 Q. And what's Leah's race?

10 A. She's white.

11 Q. Do you know if she had seen the patient at all that
12 night?

13 A. I'm not sure.

14 Q. Who else?

15 A. Olivia.

16 Q. And is Olivia white?

17 A. She is.

18 Q. Who else?

19 A. Crystal Fell.

20 Q. Crystal is white?

21 A. Yes.

22 Q. And who else?

23 A. Shakina.

24 Q. Shakina is a registered nurse?

25 A. Shakina is a nursing assistant.

1 report when you're passing off a patient to have not
2 seen the patient for several hours --

3 A. No.

4 Q. -- when you're doing the pass-off?

5 A. No.

6 Q. No.

7 Okay. Is there some sort of nursing
8 procedure or rule that says you have to have seen a
9 patient within so many hours before you do the
10 nurse-to-nurse report?

11 A. There's an hourly rounding rule.

12 Q. Okay. So you're supposed to round with a patient
13 every hour?

14 A. Correct.

15 Q. And had Crystal told you that Olivia was supposed to
16 do the rounding?

17 A. No.

18 In fact, she -- another reason why I really
19 felt like everything that occurred was so egregious
20 was because I was actually brought the hourly
21 rounding sheet and was asked to sign the hourly
22 rounding sheet on people that I had not even laid
23 eyes on.

24 Q. Explain to me what you're talking about there.

25 A. Based on Olivia's word, oh, she's good. They

1 A. Correct.

2 Q. Who was that?

3 A. Olivia.

4 Q. And did you look on there to see if Olivia had, in
5 fact, done her rounds on those patients for those
6 hours that you were not allowed to?

7 A. From what I can remember, I didn't see a signature
8 on the hourly rounding sheet from Olivia.

9 Olivia brought the sheet to me and said,
10 "Crystal said you have to sign it. I went in and
11 checked on the patient."

12 Q. Okay. But you don't remember seeing any notes from
13 Olivia that she had, in fact, rounded on those
14 patients?

15 A. I did not.

16 Q. Are you sitting here today saying that they were not
17 there or you just don't remember if they're there?

18 A. I don't recall seeing anything that Olivia
19 documented either on paper nor in the chart --

20 Q. Okay.

21 A. -- in the computer.

22 Q. And did you ask Olivia whether she had, in fact,
23 done the rounding on the patients?

24 A. No.

25 Q. And when Olivia said you needed to sign it because

1 Crystal told you to sign it, what did you tell

2 Olivia?

3 A. I haven't seen those patients.

4 Q. Okay. And so did you sign it?

5 A. I did not sign it. I put my initials. Because she
6 said, "Crystal said."

7 Because I knew I was going to take the
8 whole situation to human resources.

9 Q. So you initialed the rounding sheets?

10 A. Correct.

11 Q. Is there ever occasion when a nurse -- one nurse
12 might round for another nurse if the other nurse is
13 busy?

14 A. Not that I'm aware of.

15 Q. Are there ever occasions when you aren't able to
16 round every hour because you're busy or you can't
17 get to that certain patient?

18 A. The expectation is hourly rounding. That's all I
19 know.

20 Q. Has there ever been occasion when you have not done
21 hourly rounding on a patient?

22 A. There probably has, but I just don't recall right
23 off the top of my head.

24 Q. Did you ask to speak to Crystal before you initialed
25 the rounding sheet?

1 because of my race.

2 Q. Did she say those exact words to you, "You can't go
3 back into that room because of your race"?

4 A. Well, the patient said to her she didn't want me
5 because I was black. And then her decision was to
6 remove me from the room. So essentially that is
7 telling me, "You cannot go back in this room because
8 you're black."

9 Q. Did you ever ask Crystal why she made the decision
10 not to send you back into that room?

11 A. I told Crystal that I was comfortable taking care of
12 the patient and for her to come and speak with the
13 patient and have a conversation with the patient so
14 that she knows that that type of language and
15 behavior is not tolerated and that we do not
16 discriminate here with our staff.

17 Q. Okay. Did you ever ask Crystal why she made the
18 decision she made? It's an easy question. Yes or
19 no? Did you ever ask Crystal why she made the
20 decision she made?

21 A. I asked Crystal why, yes. I asked her why was she
22 taking me off the assignment and having Olivia to go
23 in.

24 Q. And what did she tell you?

25 A. She said that she thinks that that was the best

1 Q. Well, you said you talked to Kelley in the morning
2 of -- November 1st, 2017, in the morning.

3 A. Correct.

4 Q. Okay. And then your shift that evening didn't start
5 until 9?

6 A. 11:30 p.m.

7 Q. Or 11:30 p.m.

8 A. Correct.

9 Q. So what did you do between the time you saw Kelley
10 Fildew in the morning and 11:30 p.m.?

11 A. I wasn't working that day.

12 Q. So you went home?

13 A. I was at home, yeah.

14 Q. Yeah.

15 A. I went back home after --

16 Q. Okay.

17 A. -- I saw her --

18 Q. Yeah.

19 A. -- if that's your question.

20 Q. So you came back, you worked your shift, and then
21 you saw Kelley again on November 2nd?

22 A. I saw her after my shift, correct. After my shift.

23 Q. Where did you see her after your shift?

24 A. After I was getting off from working on 8 North that
25 morning.

1 Q. Right.

2 Where did you see Kelley Fildew?

3 A. Very close to human resources. She was on her way
4 in.

5 And I kind of gave her a brief synopsis of
6 what occurred. And she told me to e-mail her and
7 put more detail in the e-mail. So I tried to
8 remember as much as I could. And that's the e-mail
9 that I used the notes from Crystal and I got rid of
10 the rough draft that I kind of wrote what Crystal
11 said, and this is the e-mail that I used that
12 information for.

13 Q. So you see Kelley outside of HR, and you say, "as I
14 struggled not to burst into tears."

15 So you're saying you were giving her just a
16 summary of what happened that night and she said,
17 "Just send me an e-mail"?

18 A. She told me to e-mail her as much as -- you know,
19 the information that I could.

20 Q. Is the 1 bed the bed at the window or the bed at the
21 door?

22 A. Bed 1?

23 Q. Yeah.

24 Where is bed 1?

25 A. Is by the door.

1 Q. Why not put the whole sentence in?

2 MS. GAFKAY: If that's not clear from the
3 statement, that's -- we'll let the jury decide
4 whether it's clear from the statement.

5 MS. DAHLE: I would love to do that.

6 MS. GAFKAY: Great.

7 MS. DAHLE: That will be my pleasure.

8 MS. GAFKAY: I don't know what a derogatory
9 name like she was called means, but --

10 BY MS. DAHLE:

11 Q. Do you know if Crystal heard this phone call that
12 the patient had where they referred to you as a
13 black bitch?

14 A. Crystal was not there for the phone call.

15 Q. Right.

16 So Crystal never heard the phone call the
17 patient had; right?

18 A. No, she did not.

19 Q. And Crystal never heard the patient say it directly
20 to you, did she?

21 A. No, she did not.

22 Q. The only thing Crystal heard about race was coming
23 directly from you; correct?

24 A. Absolutely.

25 Q. Right. Thank you.

1 A. Correct.

2 MS. GAFKAY: No.

3 MS. DAHLE: Julie --

4 MS. GAFKAY: You have asked her that
5 question multiple times and you just tried to trick
6 her.

7 MS. DAHLE: Oh, my gosh. You have got to
8 be joking.

9 MS. GAFKAY: So the record will stand.

10 MS. DAHLE: Yeah, the record will --

11 MS. GAFKAY: She said multiple times
12 that she --

13 THE DEPONENT: She reported it to her.

14 MS. GAFKAY: That the patient said she
15 didn't want that black lady.

16 MS. DAHLE: Are you done testifying, Julie?
17 Because -- if you're not done testifying, we can
18 call the judge. I'm sorry you don't like what your
19 client is saying. I think it's pretty obvious.

20 MS. GAFKAY: She said multiple times.

21 THE DEPONENT: That's what I reported to
22 Crystal and Crystal was told that by the patient. I
23 said that several times.

24 BY MS. DAHLE:

25 Q. Great. Okay. Great. The record will speak for

1 itself.

2 A. You're asking it different ways trying to get a
3 different response and you're not.

4 Q. Oh, yeah. Okay. Thanks for commenting on my
5 questioning ability. I'll take my record as it
6 stands. We can move on.

7 All right. Exhibit 10 --

8 (A document was marked Exhibit No. 10 by
9 the reporter.)

10 MS. GAFKAY: From now on, you get to ask
11 the question once, not 10 times.

12 MS. DAHLE: I will if she gives me the same
13 answer more than once.

14 MS. GAFKAY: She did.

15 MS. DAHLE: And I'm sorry if it seems that
16 way, but when you have 20 statements that say
17 different things, it's hard to ask questions.

18 MS. GAFKAY: All the statements are
19 consistent.

20 MS. DAHLE: You know, Julie, really you
21 should be ashamed of yourself; I mean, this is
22 ridiculous.

23 MS. GAFKAY: I should be ashamed of myself?

24 MS. DAHLE: Yeah, you should be.

25 All right. What are we on, Exhibit --

1 A. Repeat that question.

2 Q. After you guys were done talking about what had
3 happened with the certification and all of that,
4 Kelley brought up the incident of the interaction --
5 she says October 2nd, but, again, that's November
6 2nd; right?

7 A. Correct.

8 Q. Okay. All right. So Kelley brings that up; right?

9 A. Correct.

10 Q. Okay. And then do you -- is Kelley -- "Teoka stated
11 that the patient in 881-bed #2 stated she didn't
12 want her to be her nurse because she was black."

13 Is that what you said at that meeting?

14 A. She -- I didn't have to say that at the meeting.

15 Q. Okay.

16 A. I had already made that clear.

17 This is what she repeated. These are her
18 own words.

19 Q. Okay. And is that the same thing with that -- is
20 that the same thing with the rest of that paragraph,
21 that's just Kelley summarizing what she told -- or
22 that's what Kelley is saying at the meeting that she
23 believed the issue was?

24 A. These are her own words, correct.

25 Q. Okay. So did you at all give your -- in your own

1 A. What I already told her.

2 Q. Did you talk at this meeting at all?

3 A. I did.

4 Q. Okay. Did you tell -- at the meeting, did you say
5 anything in addition to what Kelley has here in this
6 paragraph?

7 A. There was little said on my part.

8 But what happened at the meeting is I was
9 pretty much shut down and very -- I mean, it was
10 very unprofessional, a very poorly run meeting. It
11 wasn't really to address what I experienced.

12 It was told -- it was said that patients
13 have the right to refuse you for whatever reason.
14 So I reiterated. I asked Antoinette, which is Toni
15 Ward, "So you're saying it's okay for a patient to
16 not want me for my race?"

17 She says, "Yes. It's pretty much no
18 different than a Middle Eastern female patient
19 requesting not to have a male as their nurse."

20 Q. Okay.

21 A. And I said, "How so?"

22 They said, "That's perfectly fine. What
23 should have happened is you should have been taken
24 off the assignment."

25 And this is also what is being said even in

1 Fildew's notes here. She's saying the same thing
2 that Toni Ward -- or Toni Ward said that I should
3 have been removed altogether.

4 And there was never an apology. That's why
5 we're here today. That's why I filed the claim,
6 because it was very malicious and there was no
7 interest to look at the situation that it was not
8 right. It wasn't legal. It was unethical. And it
9 was very malicious.

10 And when I saw that I could not get
11 anywhere with them and everyone in the room agreed
12 that cultural differences for making a reassignment
13 to patients it's the same thing as race
14 accommodations, then that's when I knew I wasn't
15 going to get any further.

16 Q. Okay. So you're saying Toni Ward never apologized
17 to you for the unfortunate --

18 A. Never.

19 Q. Okay. All right. She didn't tell you "that it's
20 sad that the patient would say something like this
21 to her"?

22 A. Never.

23 Q. Did Toni tell you what she did to investigate this
24 incident?

25 A. No.

1 A. Correct.

2 Q. Okay.

3 A. And, therefore, would not have to have given report
4 to oncoming nurse in the morning.

5 Q. Got it.

6 Okay. Anything else that you remember
7 being said in the meeting that's not in this
8 document?

9 A. Not at this moment.

10 (A document was marked Exhibit No. 12 by
11 the reporter.)

12 Q. Okay. I'll give you Exhibit 12 to look at.

13 So I've handed you deposition Exhibit No.
14 12, which I'll represent to you is a document that
15 you produced to us. It was part of a longer series
16 of pages, but I only printed out the copy that
17 referenced this one exhibit -- I mean, this one
18 situation. The rest of it was relative to the ACLS
19 situation.

20 Do you recognize this as a document that
21 you put together to send -- or at least part of a
22 document that you put together to send to Pam Davis
23 at the EEOC?

24 A. I do.

25 Q. Okay. You write in here, "When the patient in

1 The last thing you really want to do is sue
2 your place of employment, but when you have, like I
3 said, administration who says it's okay and they
4 don't do anything but lie and support the
5 discrimination, then that's when it's a problem.

6 Q. Did you suffer any loss of pay after that incident?

7 A. No, not that I'm aware of.

8 Q. Have you been unable to work -- have you been --
9 have the number of hours you've been given to work
10 been decreased?

11 A. Not that I'm aware of.

12 Q. Okay.

13 A. Not other than my hours when I was taken out of the
14 system, but not related to my claim, no.

15 Q. Have you lost any benefits, employment benefits?

16 A. Yes.

17 Q. Which ones are those?

18 A. My benefit of being able to practice as a nurse.

19 The benefit of being able to do my job and fulfill
20 my job duties.

21 Q. Okay. I'm talking about have you -- like, did you
22 lose any healthcare benefits?

23 A. No.

24 Q. Okay. Or retirement benefits, those types of
25 benefits --

1 A. -- with the notes.

2 , But, yes, everything that I have entered is
3 accurate, correct --

4 Q. Okay. I just --

5 A. -- if that's what you're asking me.

6 Q. And I just -- yeah. But I do need to get a clean
7 answer to this. I'm not trying to be a pain in your
8 butt. I just need a clear answer.

9 If I were looking at your note and it had
10 20 words on it, would I find those exact 20 words --
11 this is what I'm asking. Like, would I find exactly
12 what you had written on those notes reproduced
13 exactly in a later writing?

14 A. Yes.

15 Q. Thank you.

16 MS. DAHLE: Okay. That's all I have.

17 MS. GAFKAY: Okay.

18 MS. DAHLE: Thank you very much, you guys.

19 (Deposition concluded at 4:00 P.M.)

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